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10/669,056

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INTELLECTUAL PROPERTY ADMINISTRATION  
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EXAMINER

HOANG, HIEU T

ART UNIT

PAPER NUMBER

2152

NOTIFICATION DATE

DELIVERY MODE

09/02/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/669,056	<b>Applicant(s)</b> GIANNETTI, FABIO	
	<b>Examiner</b> HIEU T. HOANG	<b>Art Unit</b> 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-19 and 24-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-19, 24-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This office action is in response to the communication filed on 07/21/2008.
2. Claims 1-4, 6-19, 24-27 are pending.

### ***Response to Arguments***

3. Applicant's arguments have been fully considered but found unpersuasive.
4. Applicant argues that Han teaches away from rules that use identifiers to provide an indication of importance for determining where information is sent. This argument is respectfully traversed. First, whether sending information is based directly on the importance of the portions is not recited in the claims; the claim states that sending information is based on the identifiers which contain importance indicators. Second, there is no disclosure, teachings and/or suggestions in Han that would enable one of ordinary skilled in the art to conclude that Han avoids using identifiers for indicating importance of a portion. Stated another way, Han does not criticize, discredit, or otherwise discourage the usage using identifiers for indicating importance of a portion. See *In re Fulton*, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004) [However, “the prior art’s mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed...”]
5. Applicant argues that the combination would not result in a rule that “specifies for the predetermined combination of first and second data-receiving devices to which device a portion of the data having a predetermined identifier should be sent” where the

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identifier provides “an indication of the importance of a portion of data relative to other portions of the same data.” In response, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). In this case, the claim does not disclose the rules specify which device to receive a portion of the data depending directly on the importance of portion. It merely states rules for specifying “which device a portion of the data *having a predetermined identifier* should be sent,” wherein importance of the portion is not mentioned in the specifying. Therefore, the prior art does disclose a rule that “specifies for the predetermined combination of first and second data-receiving devices to which device a portion of the data having a predetermined identifier should be sent” (Han, section 2.2 par. 1, a policy file maps rules that govern which tags should be distributed to which groups and/or devices) where the identifier provides “an indication of the importance of a portion of data relative to other portions of the same data” (AAPA, fig. 8a-8d, specification page 18, lines 5-17, priority tag values of high, medium and low of each page, tags enable rules for delivering which portions to which devices.) Therefore, it is submitted it is obvious that tags indicating importance of a portion of AAPA can be combined with tags indicating which device receives the portions to further provide the receiving devices with importance of the portion so that the receiving device can operate as it likes based on the importance of the received portion.

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6. Applicant indicates that the claimed subject matter leaves it to the settings of the specific device to determine what data it will display. This subject matter is not in the claims. Also, in the claims, "selecting a portions of the data for transmission to at least one of the data-receiving devices depending on the at least one rule" indicates the opposite, meaning before the transmission, a *transmitting device* determines which portions are delivered to the receiving devices.

### ***Specification***

7. The title of the invention is objected to for being unresponsive. A more descriptive title is required.

8. The specification is objected to for containing hyperlinks on page 18. Correction is required.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-4, 6-19, 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Han et al. (WebSplitter: a unified XML framework for multi-device collaborative Web browsing, hereafter Han), further in view of Applicant Admitted Prior

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Art (fig. 8a, 8b, 8c, 8d, and corresponding description sections of fig. 8a, 8b, 8c, 8d in the specification, hereafter AAPA)

11. For claim 1, Han discloses a method of generating data suitable for transmission to at least one of a predetermined combination of at least a first and a second data receiving device (abstract), the method comprising:

providing data, at least one rule, and identifiers (fig. 2, XML tags/components in a web document, p. 223, section 2.1, par. 1, an XML document components are split by tags or identifiers, section 2.2, par. 1, policy file or rules), wherein

the identifiers are associated with portions of the data and are arranged to identity those portions of the data (fig. 2, XML tags/components in a web document, e.g., notes navigation buttons, slides, audio...), and

the at least one rule specifies for the predetermined combination of first and second data receiving devices to which device a portion of the data having a predetermined identifier should be sent and selecting portions of the data for transmission to at least one of the data receiving devices depending upon the at least one rule (section 2.2 par. 1, a policy file maps rules that govern which tags should be distributed to which groups and/or devices).

connecting to the first and second data receiving devices, wherein the connection is treated as a single session; and giving the first and second data receiving devices a single session ID (multiple client devices participate in a same browsing session

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(abstract, section 3, joint browsing session) by using a same session ID (fig. 5, fig. 6, each session has a distinct ID)

Han does not explicitly disclose the identifiers provide an indication of the importance of a portion of data relative to other portions of the same data.

However, AAPA discloses the same (fig. 8a-8d, specification page 18, lines 5-17, priority tag values of high, medium and low of each page)

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Han and AAPA to incorporate priority tags of AAPA to personalized tag rules of Han to further enhance the rules for presentation of different partial views of web pages to different users and/or devices, and provide the receiving users or devices with importance of received page portion so that the receiving device can operate independently based on the importance of the received page portion.

12. For claim 2, Han-AAPA further discloses the identifiers are placed within the data prior to the generation of the data suitable for transmission (Han, section 2.1, par. 1, a XML web page has tags that split among different components of the web page).

13. For claim 3, Han-AAPA further discloses the identifiers provide an indication as to the intended function of the portion of the data with which they are associated (Han, fig. 2, tags with different functional components).

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14. For claim 4, Han-AAPA further discloses the rules specify to which device a portion of data should be sent according the intended function of that portion of data (Han, section 2.2, par. 1).

15. For claim 6, Han-AAPA further discloses the rules specify to which device a portion of data should be sent according to the importance of the portion of data (Han, section 2.2 par. 1 and 2, a tag that is exclusively for the lecturer is sent to the lecturer's device and not the student's).

16. For claim 7, Han-AAPA further discloses generating a set of rules which are used as a default in order to determine to which data receiving device the data should be sent (Han, section 4.2, par. 1, default mapping of tags and devices).

17. For claim 8, Han-AAPA further discloses a user may alter the rules (Han, fig. 7, personalized configuration screen for editing tags).

18. For claim 9, Han-AAPA further discloses the method comprises writing the data in a data receiving device independent language (Han, section 1.2, XML is a data receiving device independent language for it is a canonical language).



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19. For claim 10, Han discloses a computing device arranged to hold data intended for transmission to at least one of a predetermined combination of at least a first and a second data receiving devices (fig. 6, proxy), the computing device comprising:

a processor arranged to process data, a transmitter arranged to receive data from the processor and to transmit data from the device, a receiver arranged to receive data to the device and to pass the data to the processor (fig. 6, proxy with processor and sending and receiving capabilities),

storage arranged to store data together with a set of rules determining how data should be processed and to allow the processor to access the data and the rules stored in the storage (fig. 6, XML policy rules stored in the proxy), wherein

the receiver is arranged to receive a request for data and pass the request to the processor, the processor being arranged to access data stored in the storage, determine to which of the at least two data receiving devices at least a portion of the data should be sent according to the set of rules held in the storage together with identifiers held within the data and further arranged to pass the data, that the processor determines should be transmitted, to the transmitter wherein the transmitter is arranged to connect to the first and second data receiving devices, wherein the connection is treated as a single session, giving the first and second data receiving devices a single session ID (multiple client devices participate in a same browsing session (abstract, section 3, joint browsing session) by using a same session ID (fig. 5, fig. 6, each session has a distinct ID)) and

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transmit the data it has been passed to at least one of the data receiving devices (section 2.2, par. 1 and 2, section 3.1 par. 2, fig. 6, XML policy rules in a proxy are used to determine which web page components will be delivered to which devices according to device's capability and owner or its identity).

Han does not explicitly disclose the identifiers provide an indication of the importance of a portion of data relative to other portions of the same data.

However, AAPA discloses the same (fig. 8a-8d, priority tag values of high, medium and low of each page component)

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Han and AAPA to incorporate priority tags of AAPA to personalized tag rules of Han to further enhance the rules for presentation of different partial views of web pages to different users and/or devices, and provide the receiving users or devices with importance of received page portion so that the receiving device can operate independently based on the importance of the received page portion.

20. For claim 11, Han discloses the computing device is connected to a network and in which the data receiver and data transmitter are arranged to connect the computing device to the network (Han, fig. 6, network and a proxy).

21. For claim 12, Han discloses the computing device is one of a server and a router (Han, fig. 6, proxy server).

22. For claim 13, Han discloses a device arranged to concurrently establish a data connection between a computing device and at least a first and a second data receiving device such that data is sent to one of the first and the second data receiving devices depending upon an identifier within the data wherein the first and the second data receiving devices are intended to be used in conjunction (fig. 6, proxy for conducting web sessions between multiple devices), the device comprising:

- a receiver arranged to receive data from the data connection, a transmitter arranged to send data over the data connection and a processor arranged to process data and to control the receiver and the transmitter (fig. 6, proxy server is able to receive from and transmit data to multiple devices),
- the device being arranged such that the receiver is arranged to connect to the first and second data receiving devices, wherein the connection is treated as a single session, giving the first and second data receiving devices a single session ID (multiple client devices participate in a same browsing session (abstract, section 3, joint browsing session) by using a same session ID (fig. 5, fig. 6, each session has a distinct ID)) and receive the identity of the first and the second data receiving devices (section 3.1, par. 2, identities of the devices are registered with the service discovery database so that the proxy can retrieve the identities when connections are established).

Han does not explicitly disclose the identifiers provide an indication of the importance of a portion of data relative to other portions of the same data.

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However, AAPA discloses the same (fig. 8a-8d, priority tag values of high, medium and low of each page component)

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Han and AAPA to incorporate priority tags of AAPA to personalized tag rules of Han to further enhance the rules for presentation of different partial views of web pages to different users and/or devices, and provide the receiving users or devices with importance of received page portion so that the receiving device can operate independently based on the importance of the received page portion.

23. For claim 14, Han-AAPA further discloses the device is arranged to send an amount of data such that at least some of the data is sent to the first data receiving device and at least some of the data is sent to the second data receiving device (Han, section 2.2 par. 1, a policy file maps rules that govern which tags should be distributed to which groups and/or devices).

24. For claim 15, Han discloses a network comprising:

at least one computing device (fig. 6 proxy) and at least two data receiving devices (fig. 6 user devices), the computing device being arranged to make data connections to the at least two data receiving devices used in conjunction with one another such that predetermined data is handled by one of the data receiving devices and other predetermined data is handled by another of the data receiving devices (fig.

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6, section 2.2 par. 1, proxy stores policy files that map rules that govern which tags should be distributed to which groups and/or devices),

the computing device comprising a processor arranged to process data, a transmitter arranged to receive data from the processor and to transmit data from the computing device, a receiver arranged to receive data to the computing device and to pass data to the processor, memory arranged to store data together with a set of rules determining how data should be processed and to allow the processor to access the data and rules, wherein the receiver is arranged to receive a request for data and pass the request to the processor, the processor being arranged to access data stored in the memory, determine to which of the at least two data receivers at least a portion of the data should be sent according to the rules held in the memory together with identifiers held within the data and further arranged to pass the data that the processor determines should be transmitted to the transmitter and wherein the transmitter is arranged to connect to at least one of the data receiving devices, wherein the connection is treated as a single session, giving each of the data receiving devices a single session ID (multiple client devices participate in a same browsing session (abstract, section 3, joint browsing session) by using a same session ID (fig. 5, fig. 6, each session has a distinct ID)) and

transmit the data it has been passed to at least one of the data receiving devices and the at least two data receiving devices being arranged to receive data from the computing device (fig. 6, proxy with a processor, memory and storage for policy files or

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rules, section 2.2 par. 1, section 3.1 par. 2, proxy stores policy files that map rules that govern which tags should be distributed to which groups and/or devices).

Han does not explicitly disclose the identifiers provide an indication of the importance of a portion of data relative to other portions of the same data.

However, AAPA discloses the same (fig. 8a-8d, priority tag values of high, medium and low of each page component)

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Han and AAPA to incorporate priority tags of AAPA to personalized tag rules of Han to further enhance the rules for presentation of different partial views of web pages to different users and/or devices, and provide the receiving users or devices with importance of received page portion so that the receiving device can operate independently based on the importance of the received page portion.

25. For claims 16, 17, 18, 19, Han-AAPA further discloses a tangible computer storage medium containing instructions which when read onto a processing unit cause that processing unit to perform the method of claims 1, 10, 13, and 15 (Han, fig. 3, 4, instructions or program codes stored on a computer storage medium).

26. For claim 24, Han discloses a network comprising at least one computing device and at least two data receiving devices, the computing device being arranged to make data connections to the at least two data receiving devices used in conjunction with one

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another such that predetermined data is handled by one of the data receiving devices and other predetermined data is handled by another of the data receiving devices, the computing device comprising a processor, a transmitter, a receiver, and a memory arranged to store data including identifiers identifying predetermined data to be sent to one of the data receiving devices together with a set of rules determining how data should be processed, wherein the receiver is arranged to receive a request for data and pass the request to the processor, the processor being arranged to access data stored in the memory, determine to which of the at least two data receiving devices at least a portion of the data should be sent according to the rules held in the memory together with the identifiers held within the data and further arranged to pass the data that the processor determines should be transmitted to the transmitter and wherein the transmitter is arranged to connect to at least one of the data receiving devices, wherein the connection is treated as a single session, giving each of the data receiving devices a single session ID (multiple client devices participate in a same browsing session (abstract, section 3, joint browsing session) by using a same session ID (fig. 5, fig. 6, each session has a distinct ID)) and

transmit the data it has been passed to at least one of the data receiving devices at any one time and the at least one data receiving devices being arranged to receive data from the computing device (fig. 6, section 2.2 par. 1 and 2, section 3.1 par. 2, proxy server storing and executing policy files that govern with web page components will be delivered to which devices according to the device's identity).

Han does not explicitly disclose the identifiers provide an indication of the importance of a portion of data relative to other portions of the same data.

However, AAPA discloses the same (fig. 8a-8d, priority tag values of high, medium and low of each page component)

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Han and AAPA to incorporate priority tags of AAPA to personalized tag rules of Han to further enhance the rules for presentation of different partial views of web pages to different users and/or devices, and provide the receiving users or devices with importance of received page portion so that the receiving device can operate independently based on the importance of the received page portion.

27. For claim 25, Han discloses a device arranged to concurrently establish a data connection with at least a first and a second data receiving device such that data is sent to one of the first and the second data receiving devices depending upon an identifier within the data wherein the data receiving devices are intended to be used in conjunction with one another, the device comprising a receiver arranged to receive data from the data connection, a transmitter arranged to send data over the data connection and a processor arranged to process data and to control the receiver and the transmitter, the device being arranged such that when it establishes the data connection the processor is arranged to receive from the receiver the identity of the first and the second data receiving devices, the device being further arranged to receive data at



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least a portion of which is intended for the first data receiving device and at least a portion of which is intended for the second data receiving device and the processor being further arranged to control the transmitter to connect to the first and second data receiving devices, wherein the connection is treated as a single session, giving each of the data receiving devices a single session ID (multiple client devices participate in a same browsing session (abstract, section 3, joint browsing session) by using a same session ID (fig. 5, fig. 6, each session has a distinct ID)) and

transmit each of the portions of the data to the data receiving device for which they are intended such that at least some of the data is received by the first data receiving device and at least some of the data is received by the second data receiving device (fig. 6, section 2.2 par. 1 and 2, section 3.1 par. 2, proxy server storing and executing policy files that govern with web page components will be delivered to which devices according to the device's identity).

Han does not explicitly disclose the identifiers provide an indication of the importance of a portion of data relative to other portions of the same data.

However, AAPA discloses the same (fig. 8a-8d, priority tag values of high, medium and low of each page component)

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Han and AAPA to incorporate priority tags of AAPA to personalized tag rules of Han to further enhance the rules for presentation of different partial views of web pages to different users and/or devices, and provide the receiving users or devices with importance of received page portion so that the

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receiving device can operate independently based on the importance of the received page portion.

28. For claim 26, Han-AAPA further discloses the device is provided within a network and arranged to receive the data from the network (fig. 6, arrangement of network devices).

29. For claim 27, Han discloses a device arranged to concurrently establish a data connection between a computing device and at least a first and a second data receiving device such that data is sent to one of the first and the second data receiving devices depending upon an identifier within the data wherein the first and the second data receiving devices are intended to be used in conjunction (fig. 6, proxy), the device comprising:

a receiver arranged to receive data from the data connection, a transmitter arranged to connect to at least one of the data receiving devices, wherein the connection is treated as a single session, giving each of the data receiving devices a single session ID (multiple client devices participate in a same browsing session (abstract, section 3, joint browsing session) by using a same session ID (fig. 5, fig. 6, each session has a distinct ID)) and send data over the data connection and a processor arranged to process data and to control the receiver and the transmitter (fig. 6, section 2.2 par. 1 and 2, section 3.1 par. 2, proxy server storing and executing policy

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files that govern with web page components will be delivered to which devices according to the device's identity).

Han does not explicitly disclose the identifiers provide an indication of the importance of a portion of data relative to other portions of the same data.

However, AAPA discloses the same (fig. 8a-8d, priority tag values of high, medium and low of each page component)

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Han and AAPA to incorporate priority tags of AAPA to personalized tag rules of Han to further enhance the rules for presentation of different partial views of web pages to different users and/or devices, and provide the receiving users or devices with importance of received page portion so that the receiving device can operate independently based on the importance of the received page portion.

### ***Conclusion***

30. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu T. Hoang whose telephone number is 571-270-1253. The examiner can normally be reached on Monday-Thursday, 8 a.m.-5 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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HH

/Bunjob Jaroenchonwanit/

Supervisory Patent Examiner, Art Unit 2152